

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

08 MAR 17 AM 11:47

UNITED STATES OF AMERICA,

Plaintiff,

v.

Adolfo PINEDA-Valladares

Defendant.

Magistrate Case No. 971A

'08 MJ 0840

COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Section 1326;

Deported Alien Found in the
United States

The undersigned complainant, being duly sworn, states:

On or about, **November 12, 2007**, within the Southern District of California, defendant, **Adolfo PINEDA-Valladares** an alien, who previously had been excluded, deported and removed from the United States to Mexico, was found in the United States, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT

Deportation Officer

Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **17th** DAY OF **March 2008**.

UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

I, United States Immigration and Customs Enforcement (ICE), Deportation Officer Lisette Guzman, declare under penalty of perjury the following to be true and correct:

On November 12, 2007, the defendant identified as Adolfo PINEDA-Valladares was apprehended by the United States Border Patrol for "Illegal Entry into the United States". This apprehension took place near Tecate, California approximately nine miles east of the Tecate, California Port of Entry. Record checks revealed that defendant was a Parole Violator, and therefore a Parole Hold was issued and he was booked into San Diego County Jail for PC 3056 VIOLATION OF PAROLE. On November 13, 2007, an Agent with the United States Border Patrol determined the defendant to be a citizen of Mexico and placed a Form I-247 "Immigration Detainer" pending his release from State custody. On Friday, March 14, 2008, the defendant was referred to ICE custody. Subsequently an Immigration Enforcement Agent reviewed various sources of information and conducted official record checks in regards to the defendant confirming him to be a citizen of Mexico having been previously removed from the United States.

A thorough review of official immigration computer database record checks and information contained in the Alien Registration file revealed that the defendant was ordered removed from the United States by an Immigration Judge on or about October 12, 2005 and was physically removed to Mexico on or about October 15, 2005 via the San Ysidro Port of Entry. Record checks further indicate that the defendant has not applied to the Attorney General of the United States or the Secretary of the Department of Homeland Security for permission to re-enter the United States.

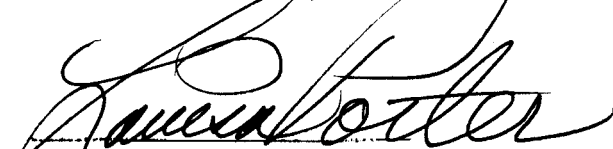
The Automated Biometric Fingerprint Identification System "IDENT" and Automated Fingerprint identification System "IAFIS" were utilized and compared the defendant's fingerprints to those contained in these databases. The results confirmed the defendant's identity as Adolfo PINEDA-Valladares, a citizen and national of Mexico. A photograph and a set of fingerprints contained within the official Alien Registration File were also reviewed and compared to the defendant, further confirming his identity.

Based upon the foregoing information, there is probable cause to believe that Adolfo PINEDA-Valladares has illegally re-entered the United States after Deportation, in violation of Title 8 of the United States Code 1326, Deported Alien Found in the United States.

EXECUTED ON THIS 14th DAY OF March 2008 AT 6:30 PM.


Lisette Guzman
Deportation Officer

On the basis of the facts presented in the Probable Cause Statement consisting of (1) page, I find probable cause to believe that the defendant named therein committed the offense on **November 12, 2007** in violation of Title 8, United States Code, Section 1326.


U.S. MAGISTRATE JUDGE

3/15/08 8:45 AM,
DATE / TIME